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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,763	11/19/2003	Daniel T. Thompson	200302326-2	6213

7590 03/31/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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DATSKOVSKIY, MICHAEL V

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/716,763

**Applicant(s)**

THOMPSON ET AL.

**Examiner**

Michael V. Datskovskiy

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-12, 14-27 and 29 is/are rejected.
- 7) ☐ Claim(s) 6, 13 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. The Affidavit filed on 03/26/2005 under 37 CFR 1.131 is sufficient to overcome the Hamagishi et al reference. Therefore the previous rejection under 35 USC § 102 (b) of the claims 1, 4, 7-9, 14-15 over Hamagishi et al is withdrawn.

2. Applicant's arguments filed 03/26/2005 regarding to the rejection over Neukam have been fully considered but they are not persuasive.

First: An English translation of the reference by Neukam was already sent to the applicant with the previous Office Action (Final Rejection).

Second: Examiner does not agree with applicant's interpretation of the Neukam reference. Although independent claims 1, 9, 17, 20 and 25 comprise different terms, all of them claim the same structure: an electronic device comprising a slide-in fan carrier capable to provide an air flow into the electronic device being either fully inserted or partially withdrawn simultaneously providing an access to replaceable fans plugged into fan receptacles. Newkam clearly teaches the similar structure: The multiple fan tray (the fan chassis) KET (the slide-in cassette unit carrier, page 2 of the translation) mountable in an electronic device, comprising a plurality of slide-in cassette unit KE including a fan, wherein said fans are hot-pluggable and could be changed while running (See translation, page 2, lines 8-9).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7-9, 14-16, 17-27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Neukam.

Neukam teaches a slide-in multiple fan tray (a multiple fan chassis) - slide-in cassette carrier KET having a plurality of laterally latch-mounted fan supports – cassette units KE having a fan inside, wherein the multiple fan chassis is mountable in an electronic device and is movable to a withdrawn access position adapted to provide access to a plurality of fan supports KE and, wherein the multiple fan chassis KET comprises airflow passages directed from the plurality of fan supports KE into the electronic device in the withdrawn access position. Neukam teaches furthermore said plurality of fan supports comprise two sets of sequential fan mounts, wherein said sets of fan mounts are adapted to orient fans to provide first and second substantially parallel airflows. It is inherent that because KET is described specifically as a slide-in fan cassettes carrier, and said fan cassettes KE are hot pluggable, the KET includes some kind of an extendable power connector to provide electrical power to said Ke's while being partially withdrawn in order to replace a broken fan.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Neukam.

Neukam teaches all the limitations of the claims except said fan carrier is inserted in a computer (claim 10) or is mounted on a rack (claims 11-12). It would have been obvious to one ordinary skilled in the art at the time invention was made to use said fan chassis to cool any kind of electronic device comprising heat generating electronic components, since applicant has not disclosed that a type of a cooled device solves any stated problems or is for any particular purpose and it appears that the invention would perform equally well with any kind of electronic device needed to be cooled.

***Allowable Subject Matter***

7. Claims 6, 13 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

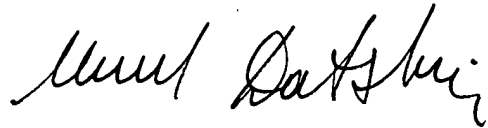
8. The following is a statement of reasons for the indication of allowable subject matter: Said fan supports are side mounted on at least two different sides of the multiple fan chassis.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Michael V Datskovskiy".

Michael V Datskovskiy  
Primary Examiner  
Art Unit 2835

03/29/2005